THE HONOURABLE SRI JUSTICE K.C.BHANU

WRIT PETITION No.14582 of 2005

DATED: 05-09-2005

Between:

P. Chandra Rao, S/o. P. Appa Rao,

Aged about 26 years, Agriculturist,

R/o. Gonchala Village,

Samalkot Mandal, East Godavari District ….Petitioner

AND

1. The State of A.P., represented by its Secretary,

Endowments Department, Secretariat,

Hyderabad and two others ….Respondents

THE HONOURABLE SRI JUSTICE K.C.BHANU

WRIT PETITION No.14582 of 2005

ORDER:

This writ petition is filed seeking a direction, in the nature of writ of mandamus, declaring the action of the respondents in not conducting the auction for the lands of an extent of Ac.30.15 cents situated in Survey Nos. 234 and 236 of Timmapuram

Village, Kakinada Rural Mandal, East Godavari District as illegal and arbitrary and consequently, to issue a direction to the respondents to extend the lease to the petitioner.

The case of the petitioner is that he obtained lease of an extent of Ac.30.15 cents of agricultural land situated in Sy. Nos.234 and 236 of Timmapuram Village, Kakinada Rural Mandal, East Godavari District, from the 3rd respondent, for both the crops i.e., Sarva and Dalva in the year 2004. The lease was granted in favour of the petitioner on the condition that he shall pay the value of 30 bags per acre for both the crops. It is his case that the lease period was expired by 30.05.2005 and hence, he issued a legal notice to the third respondent to continue the lease. But the 3rd respondent failed to consider the same. Therefore, the petitioner filed Writ Petition No.12652 of 2005 before this Court and the same was dismissed holding that " in the case, the Devasthanam conducts public auction, the petitioner would also be entitled to participate therein", but the respondents failed to conduct an auction till now. Hence, the present petition.

The learned Counsel appearing for the petitioner submitted that there is foul play on the part of the Devasthanam in not conducting any auction in respect of the land in question and that on previous occasion, the temple authorities themselves cultivated the lands and sustained loss and hence, a direction may be issued to the respondents to continue the lease in favour of the petitioner in respect of the land in question.

On the other hand, the learned Counsel for the third respondent contended that the board has taken decision to cultivate the lands personally in accordance with the Rules and therefore, a direction cannot be given to the respondents to conduct auction.

It is for the respondents to take appropriate decision in accordance with law. It is specifically stated by the third respondent that the board has decided to cultivate the lands personally in accordance with the rules. However, the learned Counsel for the petitioner contended that there is foul play on the part of the respondents. On earlier occasion, this Court held in the Writ Petition No. 12652 of 2005 that the proper mode of sale of public property or grant of lease is by way of public auction and not otherwise. It is needless to state that in case the 3rd respondent conducts public

auction, the petitioner would also be entitled to participate therein. Since the board has taken the decision to cultivate the land personally, the question of conducting any auction does not arise. This is not a case whereby the lands are being given to some third parties without conducting any public auction. The decision of the board is not challenged. Hence, a direction sought for by the petitioner cannot be given because it is for the 3rd respondent to take appropriate decision to cultivate the land personally or to conduct auction. Therefore, the writ petition is devoid of merits.

Accordingly, the writ petition is dismissed. No order as to costs.

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K. C. BHANU, J.

DATED: 05-09-2005

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